

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SHARMA RAAMANUJ,

Plaintiff,

-against-

ZAICA FOOD COMPANY LLC (D/B/A ZAICA),
MANDEEP S OBEROI, and POOJA S PATEL,

Defendants.

ANALISA TORRES, District Judge:

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20 Civ. 4317 (AT)

ORDER

The Court has reviewed Plaintiff's supporting materials for default judgment at ECF Nos. 46–49. The Court concludes that the materials fail to comply with Attachment A to the Court's Individual Practices in Civil Cases. Attachment A requires an "affidavit or declaration **signed by a party with personal knowledge** . . . which sets forth a statement of proposed damages and the basis for each element of damages, including a step-by-step explanation of each calculation." (emphasis added). Plaintiff submitted an affidavit signed by his attorney, who is not a party with personal knowledge, and an unsigned statement of damages. ECF Nos. 34, 47, 49. This is the Court's second such clarification. ECF No. 36.

Accordingly, by **August 6, 2021**, Plaintiff shall re-submit materials for default judgment in accordance with Attachment A to the Court's Individual Practices.

Plaintiff is reminded that, under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed "[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order" and that "[d]ismissal is warranted where there is a lack of due diligence in the prosecution of the lawsuit by [the] plaintiff." *West v. City of New York*, 130 F.R.D. 522, 524 (S.D.N.Y. 1990). This is the Court's second warning that Plaintiff's lack of due diligence will result in dismissal of this action. ECF No. 43.

SO ORDERED.

Dated: August 2, 2021
New York, New York



ANALISA TORRES
United States District Judge